

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

RECEIVED

OCT 7 2005

HARFORD COUNTY COLLEGE

Case No. 5517
Date Filed 10/14/05
Hearing Date _____
Receipt _____
Fee \$700.00

Shaded Areas for Office Use Only

Type of Application

- ____ Administrative Decision/Interpretation
____ Special Exception
____ Use Variance
____ Change/Extension of Non-Conforming Use
____ Minor Area Variance
____ Area Variance
____ Variance from Requirements of the Code
____ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5517 MAP 55 TYPE Variance

ELECTION DISTRICT 03 LOCATION 409 Wilgis Road, Fallston 21047

BY Barry F. and Jennifer L. Jordan

Appealed because variance pursuant to Sec. 267-34C, Table II of the Harford County

Code to permit an addition to encroach the required 20' side yard setback (14.5'

proposed) and to permit a detached garage to encroach the required 40' front yard setback

(30' proposed) in the Ag District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name BARRY F. & JENNIFER L. JORDAN Phone Number 410-803-8556

Address 409 WILGIS ROAD FALLSTON MD 21047
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 409 WILGIS ROAD, FALLSTON MD 21047

Subdivision "PLAN OF WILGIS ROAD" Lot Number 6

Acreage/Lot Size 1.04 Election District 3 Zoning A9

Tax Map No. 55 Grid No. 4C Parcel 769 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: HOME - LIVING SPACE / STORAGE

12x12 SHED 8x8 SHED

Estimated time required to present case: 15 MIN

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

Request

ATTACHED - RESIDENTIAL ADDITION 6' SIDE SETBACK VARIANCE

DETACHED GARAGE 10' FRONT SETBACK VARIANCE

Justification

SEE ATTACHED DOCUMENTATION NON CONFORMING

LOT CREATED PRIOR TO 57

@SIDE, SHARED DRIVEWAY

SEPTIC @ REAR

WELL TO FRONT

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Additional Documentation for Variance Request at 409 Wilgis Road.

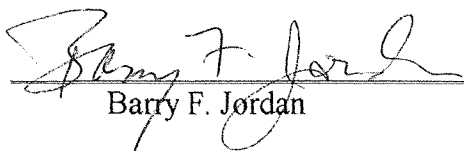
- REQUEST:** 1) Addition to existing residence of 20'x 28'
requiring variance of 6' into side property setback
- 2) Detached garage 30'x 36'
requiring variance of 10' into front property setback

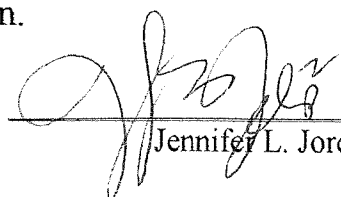
JUSTIFICATION: While researching building possibilities it became apparent that all other options with the exception of the above listed were excluded because of the following reasons: The property is non-conforming with the lot being created prior to 1957. It is a long property 455' at its deepest point but only 100' wide. Building proposals for the left side of the home were eliminated because of a shared driveway as well as the septic tank and drain fields, which are to the left rear of the property. After consulting with builders, Environmental Health Services of Harford County (specifically Woody Williams, ext 3576) and professional septic consultants we had no choice but to exclude the left side of the property completely. (We even went so far as to consider relocating our existing septic system!)

While examining the right side of the property we discovered some confusion as to our exact property line as related to nonspecific documents on file. With the help of our adjoining neighbors directly influenced by this variance, (whom we have an exceptional relationship with) and LG WOLFF ASSOCIATES INC., we were able to establish our exact property lines. This reputable survey company was referred directly by Paul Heckel, supervisor of Environmental Health Services ext 0329. We also discussed concerns of our well located at the right front of our property. Protecting the well will create an encroachment on our 40' front setback by 10'. Our side setback will have a 6' encroachment with no opposition from our adjoining neighbors.

After my conference with Dennis Sigler & Shane Grimm at the pre-application meeting we confirmed we had exhausted all options and found that this would be our only opportunity to improve our property with the above proposal and granted variances. We have included confirmation letters from our neighbors denying concerns and objections to our intended improvements.

Thank you for your time and consideration.


Barry F. Jordan

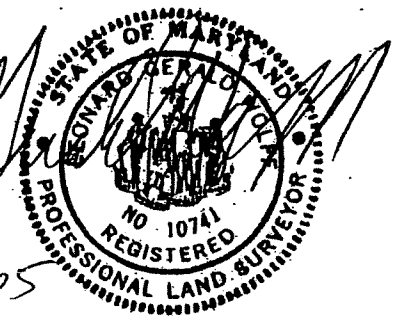
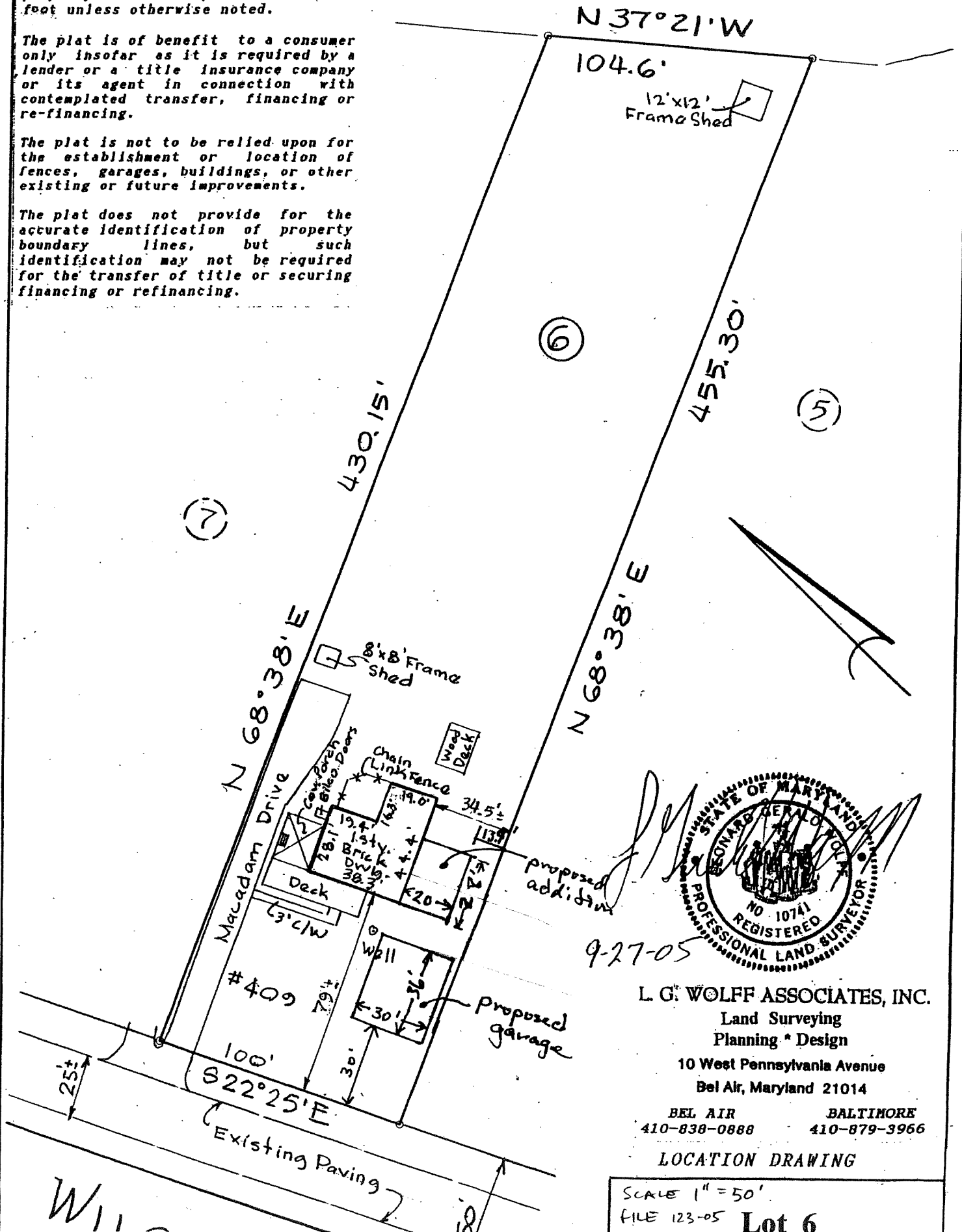

Jennifer L. Jordan

are all their approximate measurements to the apparent property lines reflected in the deed. Accuracy of measurements shown to the apparent property lines is plus or minus one foot unless otherwise noted.

The plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.

The plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.

The plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing.



L. G. WOLFF ASSOCIATES, INC.
Land Surveying
Planning • Design
10 West Pennsylvania Avenue
Bel Air, Maryland 21014

BEL AIR 410-838-0888 BALTIMORE 410-879-3966

LOCATION DRAWING

SCALE 1" = 50'
FILE 123-05 Lot 6

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



Anthony S. McClune
Acting Director of Planning & Zoning

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

November 2, 2005

STAFF REPORT

BOARD OF APPEALS CASE NO. 5517

APPLICANT/OWNER: Barry F. and Jennifer L. Jordan
409 Wilgis Road, Fallston, Maryland 21047

REPRESENTATIVE: Applicants

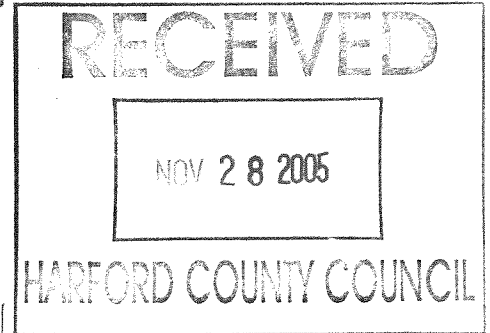
LOCATION: 409 Wilgis Road – “Plan of Wilgis Road”
Tax Map: 55 / Grid: 4C / Parcel: 769 / Lot: 6
Election District: Three (3)

ACREAGE: 1.04 acres

ZONING: AG/Agricultural

DATE FILED: October 14, 2005

HEARING DATE: December 7, 2005



APPLICANT'S REQUEST and JUSTIFICATION:

Attachment 1 is the applicants original request. The applicants revised their request pursuant to a letter dated November 11, 2005 (Attachment 2). The applicants are only requesting the variance from the side yard setback in order to construct the bedroom addition. The request for the garage has been withdrawn.

CODE REQUIREMENTS:

Preserving Harford's past; promoting Harford's future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

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Barry and Jennifer Jordan

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The Applicants are requesting a variance pursuant to Section 267-34C, Table II of the Harford County Code to permit an addition to encroach the required 20-foot side yard setback (14.5-feet proposed) in the AG/Agricultural District.

Enclosed with the report is copy of Section 267-34C, Table II of the Harford County Code (Attachment 3).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located south of Bel Air Road (US Route 1), on the east side of Wilgis Road. A location map and a copy of the Applicant's revised site plan are enclosed with the report (Attachments 4 and 5).

The Applicant's property is located outside of the Development Envelope. The area along Route 1 is designated as High Intensity. The area further to the south including the subject property is designated as Rural Residential. The Natural Features Map reflects Parks, Sensitive Species Project Review Areas, and stream systems. The Rural Residential designation is defined by the 2004 Master Plan as:

Rural Residential – Areas of focused rural development within the agricultural area, which allow low intensity residential opportunities while maintaining the character of the surrounding countryside. Water and sewer services are not planned for these areas. Residential density is limited to 1.0 dwelling unit per 2 acres.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 6 and 7).

Land Use – Existing:

The existing land uses in this area of the County generally conform to the overall intent of the 2004 Master Plan. The primary land uses include Agriculture and residential communities. Commercial uses are mainly located along Route 1. The topography of the area ranges from rolling to steep especially near the stream valleys. A topography map and a copy of the aerial photograph are enclosed with the report (Attachments 8 and 9).

The Applicant's lot is long and narrow in shape and approximately 1.04 acres in size. The lot has approximately 100 feet of frontage on the east side of Wilgis Road. The topography of the lot is gently sloping to rolling and backs up to an area of dense woodland. The land slopes down slightly from the road to the front of the house. The property also slopes down from right to left. Improvements consist of a brick rancher with an addition off of the right rear corner. Attached to the left side of the dwelling are a covered porch and a blacktopped driveway leading back to a frame shed situated at the end of the driveway. Sitting to the right and rear of the dwelling is a

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free standing ground level deck. The well is located just to the front of the house and the septic system starts only a few feet to the rear of the dwelling. The dwelling which was built in the 40's is located approximately 83-feet back from the road. Site photographs along with an enlargement of the aerial photograph are enclosed with the report (Attachments 10 and 11).

Originally, the Applicants were requesting a variance to locate a portion of the proposed detached garage within the required front yard setback. This Department has worked with the Applicants to relocate the proposed garage so that it will now meet the required front and side yard setbacks eliminating the need for Board of Appeals approval. The proposed garage while smaller than originally proposed will still meet the needs of the Applicant and be accessible from the existing dwelling. The driveway will be altered so it curves in front of the house as shown on Attachment 5.

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classifications in the immediate area are AG/Agricultural and RR/Rural Residential. The properties along US Route 1 are zoned B3/General Business District. The subject property is zoned AG/Agricultural as shown on the enclosed zoning map (Attachment 12).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-34C, Table II of the Harford County Code to permit an addition to encroach the required 20-foot side yard setback (14.5-feet proposed) in the AG/Agricultural District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The subject property is just over an acre in size and is long and narrow. It averages almost 448 feet in length and only 100 feet in width. The existing dwelling was constructed in the 1940s. The addition proposed cannot be added to the other side of the dwelling due to the existing driveway and access to the rear yard. Further, the driveway is also shared with the dwelling on the adjoining lot. The room cannot be added to the left rear of the dwelling because of the location of the existing septic system and drain fields. The only practical location for the proposed additional living space is on the right side of the dwelling as proposed. It is to be approximately 560 square feet in size; approximately 20 feet in width by 28 feet in depth, and will reduce the required 20 foot side yard setback to 14.5 feet. There will still be approximately 43 feet between the Applicants dwelling and the

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dwelling on the adjoining lot. The subject dwelling is small as compared to other dwellings in the community and the proposed addition will be compatible with the neighborhood. The proposed addition should have no adverse impact on the intent of the Code and/or on adjoining properties.

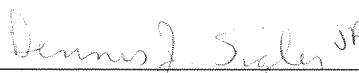
The Applicants have submitted statements from other property owners within the community indicating that they have no objection to the proposed variance (Attachment 13).


The Health Department originally had issues with the garage as originally requested. The Applicants were able to move the garage to meet zoning requirements and maintain a 10 foot separation between the building and the well (Attachment 14). The Health Department does not have a problem with the proposed bedroom. However, they are requiring a percolation test and due to the soil types the test must be conducted during the wet weather season (Attachments 15).

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested variance to reduce the side yard setback for the proposed bedroom be approved subject to the following conditions:

1. The Applicants obtain all necessary permits and inspections for the construction of the proposed bedroom.
2. The Applicants provide landscaping along the side lot line in the area of the proposed bedroom. A landscaping plan must be submitted to the Department of Planning and Zoning for review and approval prior to issuance of building permits.
3. The Applicants comply with Health Department requirements for the addition as outlined in their letter dated November 7, 2005 (Attachment 15).


Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review


Anthony S. McClune, Acting Director
Department of Planning and Zoning

DJS/ASM/jf